

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FRANK RIVERA,

Plaintiff,

vs.

No. 2011-CIV-00054 ACT/WDS

STATE OF NEW MEXICO
CORRECTIONS DEPARTMENT,

Defendant.

ORDER

This matter is before the Court on Defendant's Motion for Leave to File Amended Answer ("Motion to Amend") [Doc. 9] filed on March 9, 2011. Defendant states in the opening paragraph of the Motion to Amend that the Motion is "unopposed." [Id. at p. 1.] In paragraph 4 of the Motion to Amend Defendant contradicts this assertion and states that the "Plaintiff opposes this Motion." [Id.] The undersigned will treat this Motion to Amend as opposed.

The Court, having received no response from the Plaintiff, will grant this Motion to Amend pursuant to D.N.M.LR 7.1(b).

IT IS ORDERED that Defendants' Motion for Leave to File Amended Answer is GRANTED. Defendants have until April 15, 2011 to file their Amended Answer.



ALAN C. TORGERSON
United States Magistrate Judge